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IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

REGINALD YOUNG,

Plaintiff

v.

COMMONWEALTH OF
PENNSYLVANIA, BOARD OF
PROBATION AND PAROLE,

Defendants

Civil No. 1:CV-00-1992

(Judge Kane)

FILED
HARRISBURG, PA

MAR 28 2001

MARY E. D'ANDREA, CLERK
Per g/r Deputy Clerk

MOTION TO DISMISS

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, defendant the Commonwealth of Pennsylvania Board of Probation and Parole, move the Court to dismiss the complaint against it for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted.

A brief in support of this motion will be submitted within ten (10) days pursuant to Local Rule 7.5 of the United States District Court for the Middle District of Pennsylvania.

WHEREFORE, the complaint should be dismissed.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:

Linda S. Lloyd
LINDA S. LLOYD
Deputy Attorney General
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Dated: March 28, 2001

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Chief, Litigation Section
COUNSEL FOR DEFENDANTS

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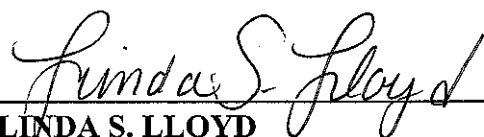
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(Judge Kane)

CERTIFICATE OF SERVICE

I, Linda S. Lloyd, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on March 28, 2001, I served a true and correct copy of the foregoing Motion to Dismiss, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

Reginald Young, CP-4126
SCI - Mahanoy
301 Morea Road
Frackville, PA 17932


LINDA S. LLOYD
Deputy Attorney General